

EXHIBIT B

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Attorneys for Defendants Cabrillo Community College
District, Thomas McKay, Dorothy Nunn and Anne
Lucero

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY NICHOLAS STESHENKO,
Plaintiff,

v.

THOMAS MCKAY, DOROTHY NUNN and
ANNE LUCERO, of the Cabrillo Community
College District; CABRILLO COMMUNITY
COLLEGE DISTRICT; KRISTINE SCOPAZZI,
BERTHALUPE CARRILLO, and JANE DOE,
of Watsonville Community Hospital;
WATSONVILLE COMMUNITY HOSPITAL,

Defendants.

CASE NO: C 09 05543 RS

**DEFENDANTS' EXPERT WITNESS
DISCLOSURE**

[Rule 26(a)(2), F.R.Civ.P.]

Pursuant to Rule 26(a)(2), Federal Rules of Civil Procedure, and the scheduling Order of the Court, Defendants Thomas McKay, Dorothy Nunn, Anne Lucero and the Cabrillo Community College District ("College Defendants") disclose the following expert witnesses who College Defendants expect to offer expert opinion testimony pursuant to Rules 702, 703 or 705, Federal Rules of Evidence:

1. Sandra Luz Castillo Alward, RN, BSN, MA, EdD, 2875 Sandyhills Lane, Brentwood, CA 94513; Tel: (925) 202-4422, who will offer the opinions and testimony described in and arising from her Report, and Supplement to Report, which are attached hereto, and which contain the information required by Rule 26(a)(2)(B).

2. Mark Cohen, Cohen Volk, 1155 Alpine Road, Walnut Creek, CA 94596; Tel: (925) 299-1200, who will offer the opinions and testimony described in and arising from his Report, which is attached hereto, and which contains the information required by Rule 26(a)(2)(B).

In addition, College Defendants, along with their percipient witness testimony, intend to solicit expert opinion testimony from individual Defendants Thomas McKay, Dorothy Nunn and Anne Lucero, who are by education, training and experience qualified to provide expert opinion testimony regarding the following:

Subject Matter of Expected Opinion Testimony:

Thomas McKay will provide testimony about (a) the purpose of the College's Nursing Program, and whether the Cabrillo College Nursing Program purpose was within the industry standard for such Programs (b) the academic/curricular requirements of the Cabrillo College Nursing Program, including the clinical training portions of the Program, and whether the Cabrillo College Nursing Program curricular requirements were within the industry standard for such Programs; (c) the standards used by instructors in the College Nursing Program in evaluating the performance of students, including whether the student is a patient safety risk, and whether those standards in use at Cabrillo College Nursing Program were within the industry standard for such Programs; (d) the application of evaluation standards by instructor Anne Lucero to her students, including Plaintiff, and whether Ms. Lucero's application of those evaluation standards to Plaintiff was within the industry standard for such Programs; (e) whether the dismissal of Plaintiff from the Nursing Program was a disciplinary or academic outcome, and whether his dismissal was within the industry standard for such outcomes ; (f) whether the dismissal of Plaintiff from the Nursing Program was preceded by any notice to Plaintiff that his standing was at risk due to his patient safety failures, and whether the notice was within the industry standard for such outcomes in nursing programs.

Dorothy Nunn will provide testimony about (a) the purpose of the College's Nursing Program, and whether the Cabrillo College Nursing Program purpose was within the industry standard for such Programs (b) the academic/curricular requirements of the Cabrillo College Nursing Program, including the clinical training portions of the Program, and whether the Cabrillo College Nursing Program curricular requirements were within the industry standard for such Programs; (c) the standards used by

1 instructors in the College Nursing Program in evaluating the performance of students, including whether
2 the student is a patient safety risk, and whether those standards in use at Cabrillo College Nursing
3 Program were within the industry standard for such Programs; (d) the application of evaluation standards
4 by instructor Anne Lucero to her students, including Plaintiff, and whether Ms. Lucero's application of
5 those evaluation standards to Plaintiff was within the industry standard for such Programs; (e) whether
6 the dismissal of Plaintiff from the Nursing Program was a disciplinary or academic outcome, and
7 whether his dismissal was within the industry standard for such outcomes ; (f) whether the dismissal of
8 Plaintiff from the Nursing Program was preceded by any notice to Plaintiff that his standing was at risk
9 due to his patient safety failures, and whether the notice was within the industry standard for such
10 outcomes in nursing programs.

11 Anne Lucero will provide testimony about (a) the purpose of the College's Nursing Program, and
12 whether the Cabrillo College Nursing Program purpose was within the industry standard for such
13 Programs (b) the academic/curricular requirements of the Cabrillo College Nursing Program, including
14 the clinical training portions of the Program, and whether the Cabrillo College Nursing Program
15 curricular requirements were within the industry standard for such Programs; (c) the standards used by
16 instructors in the College Nursing Program in evaluating the performance of students, including whether
17 the student is a patient safety risk, and whether those standards in use at Cabrillo College Nursing
18 Program were within the industry standard for such Programs; (d) the application of evaluation standards
19 by instructor Anne Lucero to her students, including Plaintiff, and whether Ms. Lucero's application of
20 those evaluation standards to Plaintiff was within the industry standard for such Programs; (e) whether
21 the dismissal of Plaintiff from the Nursing Program was a disciplinary or academic outcome, and
22 whether his dismissal was within the industry standard for such outcomes ; (f) whether the dismissal of
23 Plaintiff from the Nursing Program was preceded by any notice to Plaintiff that his standing was at risk
24 due to his patient safety failures, and whether the notice was within the industry standard for such
25 outcomes in nursing programs.

26 Summary of Facts and Opinions To Which Witness is Expected to Testify:

27 Thomas McKay will provide opinion and related fact testimony: (a) that the purpose of the
28 College's Nursing Program is to prepare students to take and pass the Statewide nursing examination,

1 and that this purpose was and is within the industry standard for such Programs (b) describing the
2 academic/curricular requirements of the Cabrillo College Nursing Program, including the clinical
3 training portions of the Program, and will testify that the Cabrillo College Nursing Program curricular
4 requirements were within the industry standard for such Programs; (c) describing the standards used by
5 instructors in the College Nursing Program in evaluating the performance of students, including whether
6 the student is a patient safety risk, and will testify that those standards in use at Cabrillo College Nursing
7 Program were within the industry standard for such Programs; (d) describing the application of
8 evaluation standards by instructor Anne Lucero to her students, including Plaintiff, and will testify that
9 Ms. Lucero's application of those evaluation standards to Plaintiff was within the industry standard for
10 such Programs; (e) that the dismissal of Plaintiff from the Nursing Program was an academic rather than
11 disciplinary outcome, and will testify that his dismissal was within the industry standard for such
12 outcomes ; (f) that the dismissal of Plaintiff from the Nursing Program was preceded by adequate notice
13 to Plaintiff that his standing was at risk due to his patient safety failures, and that the notice provided
14 was within the industry standard for such outcomes in nursing programs.

15 Dorothy Nunn will provide opinion and related fact testimony: (a) that the purpose of the
16 College's Nursing Program is to prepare students to take and pass the Statewide nursing examination,
17 and that this purpose was and is within the industry standard for such Programs (b) describing the
18 academic/curricular requirements of the Cabrillo College Nursing Program, including the clinical
19 training portions of the Program, and will testify that the Cabrillo College Nursing Program curricular
20 requirements were within the industry standard for such Programs; (c) describing the standards used by
21 instructors in the College Nursing Program in evaluating the performance of students, including whether
22 the student is a patient safety risk, and will testify that those standards in use at Cabrillo College Nursing
23 Program were within the industry standard for such Programs; (d) describing the application of
24 evaluation standards by instructor Anne Lucero to her students, including Plaintiff, and will testify that
25 Ms. Lucero's application of those evaluation standards to Plaintiff was within the industry standard for
26 such Programs; (e) that the dismissal of Plaintiff from the Nursing Program was an academic rather than
27 disciplinary outcome, and will testify that his dismissal was within the industry standard for such
28 outcomes ; (f) that the dismissal of Plaintiff from the Nursing Program was preceded by adequate notice

1 to Plaintiff that his standing was at risk due to his patient safety failures, and that the notice provided
 2 was within the industry standard for such outcomes in nursing programs.

3 Anne Lucero will provide opinion and related fact testimony: (a) that the purpose of the
 4 College's Nursing Program is to prepare students to take and pass the Statewide nursing examination,
 5 and that this purpose was and is within the industry standard for such Programs (b) describing the
 6 academic/curricular requirements of the Cabrillo College Nursing Program, including the clinical
 7 training portions of the Program, and will testify that the Cabrillo College Nursing Program curricular
 8 requirements were within the industry standard for such Programs; (c) describing the standards used by
 9 instructors in the College Nursing Program in evaluating the performance of students, including whether
 10 the student is a patient safety risk, and will testify that those standards in use at Cabrillo College Nursing
 11 Program were within the industry standard for such Programs; (d) describing the application of her
 12 evaluation standards for her students, including Plaintiff, and will testify that her application of those
 13 evaluation standards to Plaintiff was within the industry standard for such Programs; (e) that her
 14 dismissal of Plaintiff from the Nursing Program was an academic rather than disciplinary outcome, and
 15 will testify that his dismissal was within the industry standard for such outcomes ; (f) that the dismissal
 16 of Plaintiff from the Nursing Program was preceded by adequate notice to Plaintiff that his standing was
 17 at risk due to his patient safety failures, and that the notice provided was within the industry standard
 18 for such outcomes in nursing programs.

19
 20 Dated: August 25, 2014

LYNCH AND SHUPE, LLP

21
 22
 23 By: 

John Shupe, attorneys for
 College Defendants

Date: September 21, 2012

To: Lynch and Shupe, LLP
700 Airport Blvd., Suite 410
Burlingame, California 94010

From: Sandra Luz Castillo Alward, RN, BSN, MA, EdD.

Re: Steshenko v. Tom McKay, et al
Case No: C09-05543 RS
File No: 935

I, Sandra Luz Castillo Alward, have been a registered nurse since 1971. My experience includes acute care experience as staff nurse, clinical faculty experience, and administrative experience. My publications include a nursing book entitled, Strategies, Techniques, and Approaches to Thinking. The 5th edition to be release in 2013. Calculating Drug Dosages: An Interactive Approach to Learning Nursing Math 2012, 3rd Ed. I am a co-author. A copy of my Curriculum Vitae is attached as Exhibit A.

My compensation for reviewing the documents and preparing this statement, and for any testimony at deposition or trial in this matter is \$150.00 per hour.

I have never testified as an expert witness.

The following documents were reviewed: (a) the Third Amended Complaint; (b) Mr. Steshenko's Responses to the College discovery, Mr. Steshenko's documents produced in response to the College's discovery and the College's Responses to Mr. Steshenko's interrogatories, Sets One – Four; (c) Mr. Steshenko's Student File; (d) the Student Handbook; (e) Mr. Steshenko's plan of remediation; and (f) Mr. Steshenko's transcripts at Cabrillo, (g) Cabrillo's Motion for Summary Judgment; (h) Cabrillo Board Policy 3120.

Brief Statement of Facts: Cabrillo College's Associate Degree Nursing Program ("ADN") is a two year pre-licensure nursing program approved by California's Board of Registered Nursing; nursing faculty design curriculum and establishing the clinical objectives; clinical faculty are responsible for evaluating a student during the clinical experience; Mr. Gregory Steshenko violated the IV policy in the N35 course on 9/2/2009, Mr. Gregory Steshenko was counseled and given a written warning on 9/3/09. Mr. Gregory Steshenko violated the nursing program's IV policy in the N35 course on 9/30/2009; Mr. Gregory Steshenko was dismissed from the nursing program on October 5, 2009, the instructor has the sole responsibility for assigning the course grade; Mr. Gregory Steshenko was informed of the grievance process.

Issue No. 1: Is Cabrillo's Nursing Program approved by the Board of Registered Nursing?

Opinion No. 1: Associate Degree Nursing Programs in California are approved by the Board of Registered Nursing. Nursing students graduating from an approved nursing program are eligible to apply to take the National Council Licensing Exam (NCLEX-RN) for licensure. Like other ADN programs throughout the State of California, Cabrillo College's Nursing Program must comply with the Board of Registered Nursing ("BRN") regulations. Approval by the BRN indicates that the nursing program meets the Board's requirements and includes in its curriculum the required subjects of instruction and the clinical instruction necessary for students to achieve clinical competency at the entry level of a registered nurse. Cabrillo's ADN Program was inspected by the BRN in 2006 and was found to be in compliance with the Board's rules and regulations and was granted approval as indicated in Exhibit B.

Issue No. 2: Are the Clinical Practice Experiences for Cabrillo's Nursing Program the same as other two-year nursing programs in the Bay Area?

Opinion No. 2: Since nursing is a practice discipline, ADN pre-licensure nursing programs always include clinical experiences throughout the entire program. Nursing faculty design the curriculum and plan clinical experiences so that nursing students possess the level of knowledge, skills, and clinical experiences required of beginning registered nurses. Clinical faculty, as experienced practitioners, guide students to apply knowledge and skills so that the clinical objectives are achieved. Through guided instruction each semester, students begin to develop the level of competency necessary for entry into practice. It is the responsibility of the clinical faculty to evaluate the student's clinical performance based on the clinical objectives of the course. Clinical faculty are responsible for ensuring that students maintain the standards of care when performing skills or caring patients. The clinical component of the nursing program at Cabrillo College was approved by the BRN, meaning that its design and integration of clinical experiences met the BRN standards in preparing students to achieve clinical competency at the entry level of a registered nurse. Cabrillo's nursing program curriculum and clinical experiences are consistent in scope and breadth with other Associate Degree Nursing Programs in the Bay Area.

Issue No. 3: Is compliance with the Clinical Practice Experiences for Cabrillo's Nursing Program a part of the academic nursing curriculum?

Opinion No. 3: Nursing programs are academic programs consisting of theory and clinical practice experiences. The BRN requires that all pre-licensure nursing programs include clinical practice experiences in the nursing program and, further, requires concurrency between theory and the clinical experience. This concurrency of theory and clinical practice is a sound educational strategy to enhance, strengthen, and support the application of learned knowledge. As a practice profession, the clinical practice experience must be included as a part of the nursing program's academic nursing curriculum. As an academic course, the clinical objectives are developed to service as a guide for satisfactory course completion. The clinical faculty is responsible in evaluating the student based on the course clinical objectives. Cabrillo's nursing program academic courses consists of both theory and clinical practice experiences. Cabrillo's

nursing program curriculum and the clinical practice experience have been approved by the BRN, thereby, meeting the standards for the academic preparation of nursing students.

Issue No. 4: Is it within the custom and practice of two year nursing programs in the Bay Area for instructors to have final decision making authority to place students on probation or dismiss them from the nursing program for failure to meet academic standards?

Opinion No. 4: Instructors have the sole and ultimate responsibility for evaluating the academic performance of a student based on the defined academic standards and learning objectives of the course. In the clinical practice experience of the academic nursing course, the clinical instructor has the responsibility to notify a student when the clinical objectives are not being achieved or when a student's clinical skills or performance increases the risk for harm to a patient. The clinical instructor has the responsibility and duty to the patient to ensure safe care. Departure from the standards of care and nursing practice increases the risk for harm to patients. Based on a clinical incident and the clinical objectives, the instructor, as an experienced practitioner, determines the need to place a student on probation or to dismiss the student. Mr. Gregory Steshenko had completed two semesters in the nursing program and was a Level 3 student in the N35 course in Fall 2009. Mr. Steshenko signed Cabrillo's nursing program's policy, Adminstrating Medications by IV Push, which specified that Level 2 & 3 nursing students must be directly supervised by the clinical instructor. On 9/2/09, the first day the clinical rotation, Mr. Steshenko proceeded to flush an IV. This action is in direct violation of the IV policy. The instructor, Anne Lucero, followed proper procedure by counseling the student, documenting the incident, and developing a plan to assist Mr. Steshenko in meeting the clinical objectives. Mr. Steshenko signed the document written by Anne Lucero. The counseling was done on 9/3/09, a day after the violation, thereby affording Mr. Steshenko sufficient time to demonstrate adherence to program policies. To promote safe practice, nursing faculty would agree that this action is a safety violation and would support putting the student on probation. On 9/30/09, Mr. Steshenko violated the IV policy a second time by flushing a patient's central line port without the direct supervision of the instructor. Anne Lucero correctly solicited immediate input from Mr. Steshenko regarding the incident and followed proper procedure by scheduling a follow up conference the next day. The practice of nursing, first and foremost, is to protect the patient and promote patient safety. Repeated violations of program policies carry a high risk of patient harm and are grounds for immediate dismissal from the nursing program. Mr. Steshenko had been notified of the seriousness of this violation on 9/3/09 and he was given guidelines to prevent this from repeating. Protecting the patient from harm is paramount in nursing practice. A student who does not adhere to a policy that serves to protect the patient puts the patient at high risk for harm. A repetition of the same violation, warrants immediate removal of the student from the clinical experience and dismissal from the nursing program. Since the clinical experience is part of an academic course of study, the clinical instructor is solely responsible for assigning the course grade to the student. The instructor's grade is considered final.

Issue No. 5: Is it the standard custom and practice among two year nursing programs in the Bay Area for students who fail to meet the academic requirements of the nursing program to be dismissed without a hearing.

Opinion No. 5: The decision to dismiss a student for unsafe clinical performance indicates that the student has not met the academic standards of the course. The practice of nursing involves caring for patients who are not able to care for themselves. Families trust that their loved ones will be cared for in a competent manner and that all possible safe guards will be in place to prevent patient harm. It is never safe practice to knowingly allow a student to remain in the clinical practice experience who has demonstrated performance that may increase the risk for patient harm. The student's learning needs can never outweigh patient safety standards. The dismissal of a student for unsafe clinical performance is very serious and never done without careful consideration of all the facts. Dismissal from the nursing program may occur at anytime throughout the clinical experience. Nursing programs routinely inform students of instances that pose patient harm and of clinical performances that facilitate the likelihood of immediate dismissal from the nursing program. This is communicated through the program's nursing handbooks, academic course guidelines, and verbal and written guidelines by the instructor. Thus, the student is informed and cognizant of unsafe practices that bring about dismissal from a nursing program. Dismissal from the nursing program means that the student cannot continue in the academic course and therefore cannot continue in the nursing program. A hearing for the purposes of continuing in the program in the same semester is not warranted since the student is dismissed from the nursing program and cannot continue with the clinical practice experience. Since the clinical practice experience is a part of an academic course of study, the instructor will assign the grade. Mr. Steshenko was notified of the seriousness of his violation of the IV policy on 9/3/09 and he was given guidelines to prevent this from repeating. The repetition of the violation for the second time in the same month, warranted the removal from the clinical experience and the immediate dismissal from the nursing program. The decision by the clinical instructor, Anne Lucero, to dismiss Mr. Steshenko's after the second violation of the IV policy within the same semester was appropriate. Mr. Gregory Steshenko was informed of the college's grievance process but elected not to pursue this process.

Issue No. 6: Was the violation of procedures sufficient basis for the instructor, Anne Lucero, to dismiss the student from the N35 course?

Opinion No. 6: The clinical objectives in the nursing program identify professional skills and clinical performance which correlate with standards of care. As students participating in an academic program, students are expected to adhere to the guidelines of the program. Progression from one semester course to the next promotes a greater understanding of the professional role and also introduces the student to more complex skills. Skills such as IV insertion and the administration of IV Push medications require a greater degree of technique and safety. Cabrillo's nursing program clearly and explicitly informed the students of the policy for direct instructor supervision of IV Push medication administration. Mr. Steshenko violated the same program policy twice in the

same month. Mr. Steshenko was counseled and notified in writing as to the seriousness of the violation of the policy immediately following the first incident. A repeat of the same violation promotes grave concern as to the student's clinical judgment, safe practice, and accountability for adherence to program policies. The repetition of the violation regarding IV Push medication administration with no regard to the program policy by Mr. Steshenko, a Level 3 nursing student, is by itself grounds for immediate dismissal from the academic course. This dismissal is not a disciplinary matter, rather an academic dismissal for failure to meet the academic clinical objectives of the course.

Dated: September 21, 2012

Sandra Luz Castillo Alward
Sandra Luz Castillo Alward

EXHIBIT A

VITAE

Sandra Luz Castillo
2875 Sandyhills Lane
Brentwood, CA 94513

(925) 202-4422

EMPLOYMENT HISTORY:

<u>Dates</u>	<u>Job Title/Responsibilities</u>
Contra Costa College San Pablo, CA 94523	
1/12 – present	Faculty – part time . Teaching drug dosage calculations course.
Los Medanos College Pittsburg, CA 94565	
1/07 – 12/11	Director of the Associate Degree Nursing Program and Vocational Nursing Program
Contra Costa College San Pablo, CA 94523	
8/03 – 12/06	Director of the Associate Degree Nursing Program Also continue to teach in the Fundamentals of Nursing course and the Geriatrics/Advanced Med-Surg course.
7/00 – 7/03	Nursing Instructor, emphasis on medical- surgical nursing. Department Chair (August 2002 – July 2003).
8/1999 - 7/2000	Interim Assistant Dean of Instruction. Work with division chairs to identify instructional needs and to implement college policies and procedures. Participated in numerous college wide committees. Collaborated with the community to develop and implement noncredit outreach classes. Network with the high schools to promote higher education.
3/1982 - 7/1999	Nursing Instructor; emphasis on medical- surgical nursing. Team teach the fundamentals of nursing course every fall semester and advanced medical-surgical nursing course every spring semester. Co-teach the Drug Dosage Calculation math class for nursing students every fall semester.

Co-teach "How to Think Like a Nurse" class for beginning nursing students in the fall semester. This involves use of critical thinking techniques and strategies.

College Resource Center Coordinator, Fall 1998 and Spring 1999.
Nursing Program Department Chair, Fall 1998 - August 1999

Involved with the implementation of classroom assessment techniques and in developing critical thinking strategies for classroom instruction.

Nursing Department Chair Assistant, 1993-1995.

Participated in a mentorship program for high-risk students.

(1/98 - 5/98)

Granted a one semester sabbatical leave. This was a co-sabbatical project that involved the development of an interactive CD-ROM related to drug dosage calculations for nursing students.

(8/92 - 12/92)

Granted a one semester sabbatical leave. The sabbatical project was the development of 28 Drug Dosage Calculation exams. The development of these exams provided consistency in the math content being tested throughout the two year nursing curriculum.

(10/92 - 11/92)

Taught a four-week Refresher RN course for Samuel Merritt College in Oakland, CA. This provided me with the opportunity to work with another nursing program and to develop teaching strategies for students in this program.

(Summers of 1986,
1987, 1988)

Hired as a Teaching Consultant for Veteran's Hospital in Martinez, California. Worked with the administrative staff to identify particular educational needs of the nursing staff and to develop and implement educational programs. This involved researching the nursing literature and teaching specific classes for staff nurses. Topics in Leadership, Team Nursing, Medication Administration and Computer Literacy were some of the classes taught.

7/81 - 3/82
Providence Hospital
Oakland, CA

Assistant Head Nurse, Oncology Unit.
Supervised staff on the evening shift. Worked collaboratively with the Head Nurse. Assisted with teaching and supporting new RN graduates in their role transition to staff nurse.

5/79 - 7/81
Whittier Presbyterian Hosp.
Whittier, CA

Manager - Outpatient Center for Family Medicine.
Supervised staff and was responsible for the daily functions of the clinic. This, also, included patient teaching and preparation of the yearly clinic budget.

7/76 - 5/79	Supervisor - Outpatient Prenatal Clinic.
White Memorial Med. Ctr Los Angeles, CA	Supervised staff and coordinated the functions of the clinic. Worked closely with patients and physicians, scheduled surgeries and follow-up care for patients. Involved with developing prenatal and childbirth classes for the Hispanic population.
7/73 - 6/76 Monterey Park Hospital Monterey Park, CA	RN - Head Nurse for Medical Unit and Telemetry Unit. Supervised staff and taught in-service classes.
7/71 - 6/73 Santa Marta Hospital Los Angeles, CA	RN - Staff nurse; Medical-surgical Unit. Provided patient care, worked with staff and physicians.
9/68 - 7/71 E.L.A. Community Hosp. Los Angeles, CA	Licensed Vocational Nurse Staff nurse.

Educational Experience:

10/93 - 5/98	NOVA Southeastern University. Fort Lauderdale, Florida. Ed.D. Healthcare Education.
9/84 - 5/87	Master's Degree in Hispanic Studies. Holy Names College, Oakland, CA
9/75 - 5/79	Baccalaureate of Science Degree in Nursing. Public Health certification. Cal-State Univ. L.A., Los Angeles, CA 90037
9/68 - 6/71	Associate of Science Degree in Nursing. Rio Hondo Community College. Whittier, CA 90608
7/67 - 8/68	Vocational Nursing Certificate. Voc. Nursing School. Los Angeles, CA

Professional affiliations:

1. Latina Leadership Network of the California Community Colleges. Member since 1987.
2. Faculty Association of California Community Colleges.
Member since 1990.
3. Assessment Technologies, Inc. Advisory Board Member 1999 - 2006.

Professional honor:

1. Nominated for the Hayward Award for Excellence in Education - 1990.

Publications:

Gabe, M. G., Perry, C. M., Castillo, S. L., Santina, B. A., & Werner-McCullough, M. (1997). Nursing student practicums in home care. Caring, 16 (5), 48-53.

Martinez de Castillo, S. & McCullough, M (2012) 3rd Ed., Calculating Drug Dosages – An Interactive Approach to Learning Nursing Math (CD-ROM). F.A. Davis: Philadelphia, Penn.

Martinez de Castillo, Sandra (2010) Strategies, Techniques and Approaches to Thinking. 4th Ed, W. B. Saunders Company: USA.

Workshops conducted:

May 26, 1999. College of Marin. Marin, CA. 2 hour workshop entitled: Integrating Critical Thinking in the Nursing Curriculum.

June 10, 1999. Pacific Union College. Angwin, CA. 8 hour workshop presented in conjunction with Ann Carmack from Assessment Technologies Inc. Workshop entitled: Critical Thinking and Item Writing.

November 15, 1999. Biloxi, Mississippi. 1.5 hour presentation for the National Organization of Associate Degree Nursing Programs (N-OADN) 1999 Convention. Topic: Critical Thinking. Contact Person: Deanna Naddy

January 9, 2000. Oklahoma City, Oklahoma. 3 hour presentation for the Health Occupations Education Division Mid-Winter Conference 2000. Topic: Teaching Critical Thinking. Contact Person: Ruth Eckenstein (405) 743-5526.

January 28, 2000. Long Beach, CA. 6 hour presentation for the Vocational Directors - Long Beach Community College. Topic: Critical Thinking in Nursing Practice. (562) 938-4111.

February 25, 2000. Lynchburg, Tennessee. 3 hour presentation for the TN-OADN. Topic: Teaching Critical Thinking. Contact Person: Susan Sanders (931) 393-1628.

March 3, 2000. San Francisco, CA. 1.5 hour presentation for Deans and ADN Directors - COADN. Topic: Critical Thinking - Practical Applications for ADN Curriculums. Contact Person: Lynda Schweid (510) 235-7800 ext. 4268.

March 30, 2000. Monterey, CA. 1.5 hour presentation for ADN nursing faculty. Topic: Critical Thinking - Practical Applications for ADN Curriculums. Contact Person: Lynda Schweid (510) 235-7800 ext. 4268.

April 1, 2000. Phoenix, Arizona. 1 hour presentation for ADN nursing faculty. Topic: Critical Thinking in Nursing Practice. Yavapai College.

May 19, 2000. Los Angeles, CA. 3 hour presentation for ADN Faculty. Topic: Critical Thinking and Nursing Practice. Mount St. Mary's College.

October 10, 2000. Columbus, Ohio. 3 hour presentation for Practical Nurse Educators. Topic: Critical Thinking. Fall PN Coordinator/OOPNE Conference

March 9, 2001. Marlborough, MA. 4 hour presentation for Practical Nurse Educators. Topic: Critical Thinking and Test Question Development. MARILN League Office.

February 9, 2002. Santa Ana, CA. 2.5 hour presentation for the Los Angeles/Orange County Regional Consortium Nursing Faculty Collaborative. Topic: Test Construction. Santa Ana College.

May 17, 2002. Los Angeles, CA. 3 hour presentation for East Los Angeles College nursing faculty. Topic: Test Construction. Contact person: Lurelean Gaines (323) 265-8896 x8961.

May 31, 2002. Palm Springs, CA. 2.5 hour presentation on Preceptor Development and Critical Thinking. Contact person: Charlene Fobi (760) 322-7000.

August 13, 2002. Pittsburgh, Pennsylvania. 5 hour presentation for nursing faculty at the Community College of Allegheny County. Topic: Critical Thinking and Test Construction. Contact person: Kathy Malloy (412) 237-2236

August 15, 2002. Wichita, Kansas. 4 hour presentation for nursing faculty at the University of Wichita. Topic: Test Construction. Contact person: Phyllis Jacobs

September 13, 2002. Whittier, California. 3 hour presentation for Rio Hondo Community College faculty. Topic: Test Construction. Contact person: Joanne Haskins

January 7, 2003. Cypress, California. 4 hour presentation for Regional Health Occupations Resource Center (RHORC). Topic: Preceptor Instructor Workshop. Contact person: Mary O'Connor (714) 970-5633.

March 26, 2003. Palm Springs, CA. 4 hour presentation for Regional Health Occupations Resource Center (RHORC). Catch the Educator's Dream. Workshop Topic: The Nurse as Clinician and Educator. Contact person: Mary O'Connor (714) 970-5633.

June 12, 2003. Angwin, CA. 6 hour presentation for Pacific Union College. Topic: Test Construction. Contact person: Donna Stretter (707) 965-7262.

February 8, 2004. Chicago, IL. 6 hour presentation for University of Chicago. Topic: Critical Thinking and Test Construction.

April 21, 2004. Costa Mesa, CA. 3.5 hour presentation for Regional Health Occupations Resource Center (RHORC). Catch the Educator's Dream. Workshop Topic: The Nurse as Clinician and Educator. Contact person: Mary O'Connor (714) 970-5633.

June 6, 2004. Mission College 3.0 hour presentation on Test Construction. 3000 Mission College Blvd., Santa Clara, CA. 95054 Contact person: Ann H. Cowels (408) 855-5377

September 18, 2004. International Myotherapy Association Annual Conference, 3.0 hour presentation on Critical Thinking. Las Vegas, Nevada. Contact person: Brice Leonard (508) 633-5217.

May 11, 2005. Chicago, IL. 4 hour presentation for University of Chicago. Topic: Best Practices in Education.

Sept 16th and Sept 30th, 2005 2 day workshop for the nursing faculty at City College of San Francisco and California Pacific Medical Center nurses on critical thinking and test construction.

May 15 and 24th, 2006 Consultancy for the nursing faculty at City College of San Francisco and California Pacific Medical Center nurses on the implementation of critical thinking in the nursing curriculum

June 26 and 27th, 2006 3 hour presentation for Regional Health Occupations Resource Center (RHORC). Caring for the Preceptor Workshop Topic: Critical Thinking. Contact person: Joanne Gray joannegray3255@sbcglobal.net

EXHIBIT B

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF REGISTERED NURSING

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Ruth Ann Terry, MPH, RN
Executive Officer



February 20, 2007

Tom McKay, RN, PhD
Director, Allied Health
Cabrillo College
6500 Soquel Drive
Aptos, California 95003

Dear Dr. McKay:

The Board of Registered Nursing, at its February 16, 2007 meeting in Los Angeles voted the following actions:

"Continue Approval of Cabrillo College, Associate Degree Nursing Program."

If further information is needed please do not hesitate to contact Janette Wackerly, MBA, RN, Nursing Education Consultant, at (916) 574-7686.

Sincerely,

BOARD OF REGISTERED NURSING

A handwritten signature in cursive script that reads 'Maria E. Bedroni'.

Maria E. Bedroni, EdD, MN, NP, RN
Supervising Nursing Education Consultant

c. Janette Wackerly

1 *Steshenko v. McKay*

Case No: C 09 5543 RS

2 **PROOF OF SERVICE**

3 1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the
4 county where the mailing took place and my residence or business address is:

5 700 Airport Blvd., Suite 410, Burlingame, California 94010-3191

6 2. I served a copy of the following document(s):

7 **College Defendant's Disclosure of Expert Testimony/Written Report**

8 3. I served a copy of the foregoing documents by mailing them in a sealed envelope with first
9 class postage fully prepaid, to the address stated below, as follows:

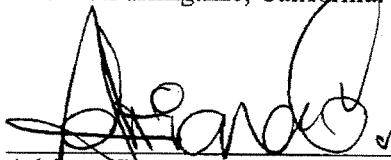
10 a. ☒ **By E-Mail or Electronic Transmission.** Based on a court order or an agreement
11 of the parties to accept service by e-mail or electronic transmission, I caused the
12 documents to be sent to each party at their e-mail addresses of record (listed herein).
13 I did not receive, within a reasonable time after the transmission, any electronic
14 message or other indication that the transmission was unsuccessful. Email addressed
15 as follows:

16 gsteshen@yahoo.com
17 carolyn.latzorke@dbtlaw.org
18 daniela.stoutenburg@dbtlaw.org
19 jesse.hutto@dbtlaw.org

20 4. Date of Service: September 21, 2012

21 5. Place mailed from: 700 Airport Blvd., Suite 410, Burlingame, California 94010

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct. Executed on the above date at Burlingame, California.

24
25
26
27
28

Adriana Campuzano

Lynch and Shupe, LLP
700 Airport Blvd., Suite 410
Burlingame, CA 94010
(650) 579-5950

935

August 21, 2014

To: Lynch and Shupe, LLP
700 Airport Blvd., Suite 410
Burlingame, Calif. 94010

From: Sandra Luz Castillo Alward, RN, BSN, MA, EdD

Re: FEDERAL RULE OF CIVIL PROCEDURE 26(a)(2)(B) – Supplemental Report

STESHENKO V. CABRILLO COLLEGE, ET AL., CASE NUMBER 5:09-CV-05543-RS UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In the matter, Steshenko v. Cabrillo Community College et al., I have reviewed the additional depositions and have relied upon these exhibits, and the facts contained therein for the formation of my opinions in this supplemental report:

- Linda Foster
- Dennis Bailey-Fournier Volume I, Volume II
- Annette Lucero
- Tom McKay
- Christine Madsen
- Dorothy Nunn Volume I, Volume II
- Marty Potkin Volume I, Volume II
- Terence Willett

I also reviewed the:

- Expert Report of Katherine A. Kelly, RN, DNP, FNP-C, CEN (September 21, 2012)

Based on the foregoing, I adopt the statement in the Sept 21, 2012 report and add the following:

The testimony reviewed reiterated the behaviors demonstrated by Mr. Steshenko that substantiated the safety concerns in clinical practice and dismissal from the nursing program (violation of Cabrillo College Nursing Program policy related to IV push administration).

Additionally, the following facts stated in the deposition statements (bulleted above) lead to the following opinions of Mr. Steshenko's behavior:

In N15 Mr. Steshenko demonstrated poor clinical judgment, decision making, and communication while in the perioperative area by proceeding to carry out skills that required observation and approval from the instructor. In N25 Mr. Steshenko failed to chart the assessment finding of a patient and failed to seek guidance in handling a situation with a family member in a timely manner. In N35 Mr. Steshenko flushed a central line with a nurse after being instructed to wait for the instructor. Mr. Steshenko did not adhere to the nursing program policy. These behaviors manifest poor clinical judgment and patient safety concerns.

Providing patient care is a part of the professional nursing role. Comments related to "dirty jobs" or "... students are free labor dedicated to relieving them from the responsibilities they do not want to do and they are getting paid for" present a limited view of the role of the nurse. The

clinical experience provides the students the opportunity to develop skills, to observe, and to engage in professional activities that enhance their theory and practice.

Opinions:

Nursing is a practice profession which requires specific knowledge and skills as well as ongoing communication. Additionally, the use of clinical judgment is critical in helping the nurse to make clinical decisions. With guidance from the instructor, nursing students begin to demonstrate the use of clinical judgment and decision making as they identify, plan, and care for patients.

Since the clinical environment provides a variety of experiences, students may be asked to perform several skills. It is imperative that all students communicate with the instructor anytime they are asked to perform a skill they have not been approved to do independently or if they are uncertain how to handle a situation professionally. The instructor is the best authority in knowing the required skill set for the course level and in working with the learning needs of a student. Failure to communicate and to seek guidance from the instructor increases the risk for errors and demonstrates poor clinical judgment.

In the care of patients, students need to maintain clear ongoing communication with staff to ensure that patient care is not compromised and that patient safety is maintained. Mr. Steshenko's behavior in N15, N25, and N35 demonstrates poor communication with the instructor and the staff and inappropriate decision making.

The role of the registered nurse (RN) in providing basic fundamental care to patients in the clinical setting.

The role of the RN is to promote patient safety in the care of patients. The Standards of Competent Performance set forth by the Board of Registered Nursing (Title XVI California Code of Regulations, Division 14 Board of Registered Nursing, Article 4, Section 1443.5) define the skills necessary for competent practice. With guidance, registered nursing students begin to apply the standards of competent practice in the care of patients.

Providing fundamental care to a patient, such as bathing, ambulating, feeding, assisting with elimination needs, such as in placing or emptying bedpans, are important to the overall care of a patient. It is in the direct performance of these skills that nursing students have the opportunity for hands-on experience and apply everyday skills used in the RN role such as assessment, therapeutic communication, evaluation, time management, and priority setting.

Although the fundamental care of the patient may be performed by the nursing assistant, it is the RN that interprets the data and makes a clinical judgment based on the data to help meet the individual needs of the patient. Thus, the more opportunities the student has to apply basic fundamental care, the more proficient the student becomes in carrying out fundamental care, and the more knowledge and experience gained, the sooner the student is able to grow into the professional RN role.

It is important to remember that assisting to meet the basic human physical needs of a patient is at the heart of nursing practice and should not be separate from or defined by the title of the care giver.

The Associate Degree Nursing (ADN) prepared RN

Associate Degree nursing graduates who passed the State Board Exam for Licensure and obtained the title of "RN" had traditionally been able to find employment in the acute care setting prior to 2008.

However, the recession experienced in 2008 changed the availability of employment opportunities for nurses, especially the ADN graduate RN. The recession lead to nurses who were thinking of retiring to continue to work, for retired nurses to return to work, and for nurses working part-time to seek full-time employment, thus decreasing the number of available RN positions all around. Secondly, in compliance with the recommendations by the Institute of Medicine to increase the proportion of nurses with baccalaureate degrees to 80 percent by 2020, acute care hospitals began hiring the baccalaureate prepared nurses when vacancies became available. Therefore, the opportunities for employment in the acute care setting for the ADN graduate RN decreased.

Although there has been much discussion nationwide over a nursing shortage, new RNs continue to have difficulty finding employment. Currently, it is not uncommon to hear that recent RN graduates are relocating out of state for employment opportunities. Other recent RN graduates may seek employment in physician's office, clinics, or skilled nursing facilities. However, most of these employment sites have limited RN positions since medical assistants or certified nursing assistants are readily utilized.

To imply with certainty that Mr. Steshenko or any other nursing student would successfully complete the nursing program is speculation at best. To assert that Mr. Steshenko or any other nursing student will successfully pass the State Board Exam for Licensure and be guaranteed employment at the completion of the nursing program are speculative and unpredictable assumptions. To assume that Mr. Steshenko or any other nursing student will be hired by a clinical facility and into the position they seek are equally unpredictable assumptions. It is therefore impossible to assume that Mr. Steshenko or any other nursing student will make \$6000 monthly at the start of their nursing career.

Date: August 21, 2014

Signed: Sandra Luz Castillo Alward
Sandra Luz Castillo Alward

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September 21, 2012

Ms. Daniela Stoutenburg
Dummit, Buchholz & Trapp
1661 Garden Highway
Sacramento, CA 95833

Re: Gregory Steshenko v. Watsonville Community Hospital, et al.

Dear Ms. Stoutenburg:

As Chief Economist of Cohen | Volk Economic Consulting Group, I have been retained to evaluate the economic losses to Mr. Steshenko in the above-captioned case. This evaluation includes an evaluation of Mr. Steshenko's lost earnings, attempts to mitigate his loss, his employability and his mitigation earning capacity. I have also been retained to comment upon work product and testimony of plaintiff retained economic loss and mitigation experts.

In order to complete the assignment, I have reviewed the following documents:

1. Plaintiff's Third Amended Complaint;
2. Plaintiff's Responses to Watsonville Community Hospital's Special Interrogatories, Set One;
3. Plaintiff's Responses to Watsonville Community Hospital's Special Interrogatories, Set Two;
4. Plaintiff's Responses to Watsonville Community Hospital's Request for Production of Documents, Set One;
5. Plaintiff's Evidentiary Exhibits #'s 34, and 99-104, produced by Plaintiff to all parties;
6. Documents produced by Co-defendants, Cabrillo Community College District, Dorothy Nunn and Anne Lucero;
7. Plaintiff's educational records from UC Santa Cruz;
8. Plaintiff's Responses to Watsonville Community Hospital's Request for Production of Documents, Set Two;
9. Plaintiff's Supplemental Responses to Watsonville Community Hospital's Request for Production of Documents; Set Two;
10. Plaintiff's Second Supplemental Responses to Watsonville Community Hospital's Request for Production of Documents, Set Two;
11. Plaintiff's academic records from the following locations: UCSC Extension in the Silicon Valley, Monterey Peninsula College, Foothill College, San Jose State University;

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September 21, 2012
Page 2

12. Documents produced by the College Defendants in response to Plaintiff's Request for Production of Documents, Set One. Bates stamped pages GNS 001516 – GNS 001835;
13. Expert Report of Katherine A. Kelly, RN, DNP, FNP-C, CEN.

In forming my opinions I have also relied upon data provided by the Bureau of Labor Statistics, Challenger, Gray and Christmas, California Board of Registered Nursing, the Institute of Medicine, and the American Nursing Credentialing Center.

Evaluation of Lost Income:

Mr. Steshenko is claiming lost income as a nurse due to his expulsion from the Cabrillo Associate Degree Nursing Program. This claim for lost income is flawed in a number of notable ways.

First, Mr. Steshenko has not provided information to allow one to conclude that he would have completed the nursing program absent the expulsion. Mr. Steshenko had a history of violating patient safety rules while attending Cabrillo College according to Anne Lucero.

According to the California Board of Registered Nursing, the attrition rate for Associate Degree Nursing (ADN) programs was 18.1% 2010-2011. Mr. Steshenko may have failed or dropped out of the program on his own.

Second, if Mr. Steshenko were to graduate from his ADN program he would then have to pass the National Council Licensure Examination for Registered Nurses (NCLEX). Mr. Steshenko has not provided information to allow one to conclude that he would have passed the licensing examination.

Third, even if Mr. Steshenko did finish the degree program and pass the licensing examination, he has provided no information to conclude that he would have worked as a registered nurse. On the contrary, Mr. Steshenko has indicated that he is educated as an electrical engineer, yet based on records provided to date, has not worked as an employee in a paid position since June 1, 2002. The job market for engineering technicians and engineers has been healthy since 2003 in the Bay Area and the South Bay Area in particular.

Furthermore, he has indicated that he has applied to thousands of jobs since his expulsion with no results. Of those thousands of jobs that he has allegedly applied for, occupational titles range from store clerk to electrical engineer. He has a higher likelihood obtaining a job in one of the fields that he has already qualified for than a position for which he is not yet qualified.

Mr. Steshenko would be starting from a far less advantageous point in his attempts to find employment as a registered nurse when compared to other occupations or fields in which he has a demonstrated work history. Mr. Steshenko would be competing against other job applicants with bachelor's

Daniela Stoutenburg
September 21, 2012
Page 3

degrees and master's degrees. With his associate's degree, he would be less qualified than over half of California's nursing students 2010-2011. Further, the Institute of Medicine, American Nurses Credentialing Center and others are seeking to make sure 80% of registered nurses in hospitals have bachelor's degrees or higher by 2020.

The \$6,000 per month rate of pay that Mr. Steshenko claims as lost income is without foundation according to the Katherine Kelly expert report. Additionally, this expert report cites the Institute of Medicine indicating most acute care setting jobs are given to students who graduate from a baccalaureate nursing degree program.

Per the California Board of Registered Nursing, recent graduates of nursing programs only found hospital employment 54.4% of the time 2010-2011. This includes all three degree types (ADN, BSN, ELM) and would likely be far lower if it only measured ADN graduates. The rest of the graduates had found employment in long-term care facilities, community/public health facilities, other, or were unable to find employment (after an approximately 5 month job search period). In fact, 21.8% of the recent graduates were unable to find any employment as nurse at all. Interestingly, only 68% were able to find work in California, the rest of the employed nurses were forced travel out-of-state.

Assuming, arguendo, that Mr. Steshenko did achieve an ADN level of education, with no prior employment experience in the nursing field, he would likely have had the best chance of finding nursing employment with a skilled nursing facility. According to Ms. Kelly's expert report, these jobs pay on average less than hospital setting jobs. Additionally, entry level nurses earn even less. However, as indicated above, and reinforced by Ms. Kelly's report, given Mr. Steshenko's past performance in searching for and obtaining employment, it would be speculative to say that he would ever find employment as a nurse, even in a skilled nursing facility.

Evaluation of Mitigation Earning Capacity:

Mr. Steshenko has not provided information to indicate that he has applied to other nursing programs. To the extent that he has not applied to other nursing programs, he has not made reasonable attempts to mitigate claimed losses.

Moreover, Mr. Steshenko can mitigate in other lines of employment. Mr. Steshenko has work experience as an electrical engineer. His most lucrative mitigation option would be to redouble his efforts to find employment in the electronics or engineering field. Continuing education, vocational counseling, and a focused job search would all potentially increase his chances of re-employment. In fact, this would have been Mr. Steshenko's best path to follow even absent the subject incident, due to the potentially higher earnings for an electrical engineer in comparison to a registered nurse with an ADN.

Daniela Stoutenburg
September 21, 2012
Page 4

Based on the information provided, however, Mr. Steshenko has not continued to pursue his nursing degree, or use his electrical engineering education and work experience. Emails provided indicate that Mr. Steshenko has obtained a second bachelor's degree, a bachelor's in biochemistry and molecular biology in the summer of 2010 from the University of California at Santa Cruz. In 2010 and 2011, Mr. Steshenko was pursuing acceptance in pharmacy schools and Ph.D. programs in a variety of disciplines. Such further education is not consistent with reasonable attempts to mitigate his losses as a nurse with an associate's degree.

Lastly, Mr. Steshenko has not provided any up-to-date information on his current employment status. If one were to assume that Mr. Steshenko would have finished the training program and find work as a nurse, then one should also assume that given his duty to mitigate his losses, he could have expected to have found some kind of re-employment since his expulsion from the program. In October of 2009, the median expected duration of unemployment for men in professional and related occupations was 4.7 months according to the Bureau of Labor Statistics. Challenger, Gray and Christmas, an outplacement firm, indicates the median job search time in the fourth quarter of 2009 was 3.5 months.

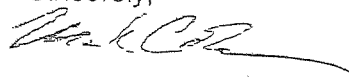
Conclusion

Any calculation of economic loss to Mr. Steshenko would be speculative based on information provided. There is no way of knowing that Mr. Steshenko would have completed his degree, passed the licensing test, and found employment as a nurse. Prior to joining the nursing program, he had been unemployed for years even though he was academically qualified and had work experience in the engineering field, a field with a healthy labor market. Even if Mr. Steshenko found work as a nurse, it would likely be at the level of a skilled nursing facility. This earnings rate would be no higher than his current earning capacity.

Please note that this report is preliminary. As additional information becomes available through discovery or offered at the time of trial, I may augment or change my opinions. Additionally, please note that at this juncture, I have not received any economic loss analysis prepared on behalf of Mr. Steshenko. As such, I cannot comment upon such analysis at this point in time.

I have attached my CV, rate sheet and a list of testimonies in the past four years. If you have any questions, please do not hesitate to call me.

Sincerely,



Mark Cohen
Chief Economist

Attachments

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MARK COHEN

CURRICULUM VITAE

FINANCIAL, STATISTICAL & REHABILITATION ECONOMIST

COHEN VOLK ECONOMIC CONSULTING GROUP, Lafayette, CA, 1995 to Present.

Principal, Chief Economist. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, vocational, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

BAY AREA PSYCHOTHERAPY TRAINING INSTITUTE, Lafayette, CA, 1994 to 2001.

Member, Board of Directors. Consultation in the business development and management of this non-profit training institute.

THE UDINSKY GROUP, Berkeley, CA, 1984 to 1995.

Vice President. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

TEACHING EXPERIENCE

DOMINICAN UNIVERSITY, San Rafael, CA, 1992 to 1998.

Adjunct Professor of Graduate Level International Finance, Monetary Systems and Investments, M.B.A. Program; Undergraduate Level International Finance and Investments, Business School Program.

EUROPEAN BUSINESS SCHOOL, Brussels, Belgium, 1991.

Adjunct Professor of Undergraduate Level Money and Banking, Statistics, and Management.

EDUCATION

UNIVERSITY OF CALIFORNIA AT BERKELEY. Bachelors of Science, Business Administration, 1982: Emphasis in Finance.

BOSTON UNIVERSITY. Masters of Science, Management, 1991. Emphasis in International Finance. Graduated first in class.

EDUCATION CONTINUED

ST. MARY'S COLLEGE. Masters of Arts, Counseling, 1998. Emphasis in Vocational Rehabilitation and Career Counseling.

LINDENWOOD COLLEGE: (1) Principles of Business Valuation, (2) Business Valuation Theory and Methodology, (3) Business Valuation: Selected Advanced Topics.

PUBLICATIONS AND INVITED PRESENTATIONS

"Economic Issues For Vocational Experts To Consider in Vocational Analysis," presented to the California Association of Rehabilitation and Re-Employment Professionals, Oakland, November 2002.

"Estimating Economic Loss To Injured Self Employed Workers," presented to the American Rehabilitation Economics Associations (AREA), Reno, May 1998.

"Methodologies to Improve Economic and Vocational Analysis in Personal Injury Litigation," with Thomas Yankowski, M.S., C.V.E., Litigation Economics Digest, National Association of Forensic Economics, Missouri. Volume II, Issue No. 2, Summer 1997. Also published in Vocational Evaluation and Work Adjustment Journal, The Professional Journal of The Vocational Evaluation and Work Adjustment Association, Volume 31, No. 3/4, Fall/Winter 1998.

"Vocational Evaluation and Economic Analysis In Personal Injury and Wrongful Termination Cases," with Thomas Yankowski, M.S., C.V.E., presented to the National Association of Rehabilitation Professional in the Private Sector, San Francisco, April 1995.

"The Economics of Employment Discharge and Your Case," with Jerald H. Udinsky, Ph.D., A.S.A., The Lawyer's Brief, Business Laws, Inc., Ohio. Volume 20, Issue No. 5, March 15, 1990.

"Estimation of Future Medical and Rehabilitation Care Costs: Issues and Questions for The Attention of Rehabilitation Professionals," presented to the Registered Nurses Professionals Association, Santa Clara Valley Medical Center, January 1990.

LICENSES, CERTIFICATIONS AND ASSOCIATIONS

Certified Earnings Analyst, American Rehabilitation Economics Association.
American Society of Appraisers, Business Valuation.
California State Licensed Life Insurance Agent.
American Economics Association.
Western Economic Association.
National Association of Forensic Economics.

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Rate Schedule

Effective 1/1/12

\$320 per hour for review, consultation, analysis and travel

\$590 per hour, one hour minimum, for deposition and trial testimony

SOUTHERN CALIFORNIA OFFICE

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MARK COHEN

Date	Name	LIST OF TESTIMONIES	Memo
2007	Seltz v. New Holland		Deposition testimony.
2007	Kuchta v. Neopost, Inc.		Deposition testimony.
2007	James v. Phillips Services Corp.		Deposition testimony.
2007	Singh v. Winchell's Donut Houses		Trial testimony.
2007	O'Neill v. City of Palo Alto		Deposition testimony.
2007	Piper v. Peralta Community College Dist.		Trial testimony.
2007	Merritt v. Modesto Disposal Service		Deposition testimony.
2007	Tripodi v. Rider		Deposition testimony.
2007	Housley v. CCSF and CHP		Deposition testimony.
2007	Pilare v. Matson		Deposition testimony.
2007	Pilare v. Matson		Trial testimony.
2007	West v. Kmart		Deposition testimony.
2007	Zottoli v. Erasmus		Deposition testimony.
2007	Nakamori v. DMC San Pablo		Deposition testimony.
2007	Ivance v. Asbestos Defendants		Trial testimony.
2007	Kuchta v. Neopost, Inc.		Trial testimony.
2007	Franklin v. Alameda County Sheriff's Dept.		Deposition testimony.
2007	Little v. RMC		Deposition testimony.
2007	Bloom v. Kaiser		Deposition testimony.
2007	Caro v. Enviro-Commercial Sweeping		Deposition testimony.
2007	Barajas v. Ramos		Deposition testimony.
2007	Loustalot v. Regents		Deposition testimony.
2007	Lopez v. Bimbo Bakeries		Deposition testimony.
2007	Lopez v. Bimbo Bakeries		Trial testimony.
2007	Silong v. USA		Deposition testimony.
2007	Bauto v. Best Collateral		Deposition testimony.
2007	Bauto v. Best Collateral		Trial testimony.
2007	Watkins v. Davis		Deposition testimony.
2007	Watkins v. Davis		Trial testimony.
2007	Erickson v. Torres		Deposition testimony.
2007	Erickson v. Torres		Trial testimony.
2007	Freed v. USA		Deposition testimony.
2007	Day v. Mt. Diablo Hospital		Deposition testimony.
2007	Day v. Mt. Diablo Hospital		Trial testimony.
2007	USA v. Union Pacific		Deposition testimony.
2007	Smith, Joe Alan v. Spears		Deposition testimony.
2007	Smith, Joe Alan v. Spears		Trial testimony.
2007	Hoang v. UWMC		Deposition testimony.
2007	Hoang v. UWMC		Trial testimony.
2007	Chang & Chen v. Charles Schwab		Deposition testimony.
2007	Khosravi v. Ball		Deposition testimony.
2007	Khosravi v. Ball		Trial testimony.
2007	Beals-Martin v. Connell's Glass		Deposition testimony.
2007	Shilaimon v. Ray		Deposition testimony.
2007	Price, Colleen v. Cordova		Deposition testimony.
2007	Moore v. Avon		Deposition testimony.
2007	Bartlett v. Reiger		Deposition testimony.
2007	Bartlett v. Reiger		Trial testimony.
2007	Salvador v. Aero Speed Mail		Deposition testimony.
2007	Dougherty v. Sears		Deposition testimony.

MARK COHEN

LIST OF TESTIMONIES

Date	Name	Memo
2007	Wing v. Horizon Lines	Deposition testimony.
2007	Huong Que v. Pro Enterprise	Deposition testimony.
2007	Thomas, Audrey v. San Leandro Hospital	Deposition testimony.
2008	Cole v. Joe's Trucking	Deposition testimony.
2008	Ewing v. USA	Deposition testimony.
2008	Williams, Billy v. Kaiser	Deposition testimony.
2008	Williams, Billy v. Kaiser	Arbitration testimony.
2008	Moss v. LOTA USA	Deposition testimony.
2008	Moss v. LOTA USA	Arbitration testimony.
2008	Abdelrahim v. Guardsmark	Trial testimony.
2008	Starr v. Rados, Inc.	Deposition testimony.
2008	Bavaro v. Curtis	Deposition testimony.
2008	Dalman v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Arbitration testimony.
2008	Day v. Mt. Diablo Hospital	Deposition testimony.
2008	Barnett v. Balciunas	Deposition testimony.
2008	Iten v. Guardsmark	Trial testimony.
2008	Perez v. Walmart	Deposition testimony.
2008	Dahl v. Jennaro	Deposition testimony.
2008	Lawlor v. Olsen	Trial testimony.
2008	Bush v. Allianz Life Insurance Co.	Deposition testimony.
2008	Cano v. Barcelo Enterprises	Deposition testimony.
2008	Gentry v. State Farm	Deposition testimony.
2008	Gentry v. State Farm	Arbitration testimony.
2008	Evans v. Benicia Housing Authority	Deposition testimony.
2008	Ewing v. USA	Trial testimony.
2008	Hernandez v. USA	Deposition testimony.
2008	Altamini v. Kaiser	Deposition testimony.
2008	Altamini v. Kaiser	Arbitration testimony.
2008	Dept. of Fair Employment v. Standards of Excellence	Deposition testimony.
2009	Perez v. Walmart	Trial testimony.
2009	Bolo v. Cisco Systems	Deposition testimony.
2009	Bolo v. Cisco Systems	Arbitration testimony.
2009	Kiser v. Ralph Lauren	Deposition testimony.
2009	Gove v. Kaiser	Deposition testimony.
2009	Dept. of Fair Employment v. Standards of Excellence	Trial testimony.
2009	Walton v. Amoroso	Deposition testimony.
2009	Sutton v. Krones	Deposition testimony.
2009	Roth v. Division I All Services	Deposition testimony.
2009	Ureta v. ABS-CBN International	Trial testimony.
2009	Lawrence v. Hartnell College	Deposition testimony.
2009	Gutherie v. City of Mill Valley	Trial testimony.
2009	Miller v. State of California	Trial testimony.
2009	Stanley v. Kaiser	Deposition testimony.
2009	Stanley v. Kaiser	Arbitration testimony.
2008	Nikolayew v. R House	Deposition testimony.
2009	Sacramento Hotel Partners v. Swinterton, et al.	Deposition testimony.
2009	Kaznowski v. Biesen-Bradley	Deposition testimony.
2009	Ehlert v. Stutsman & Ken Fowler Motors	Deposition testimony.
2009	McElroy v. Lane	Deposition testimony.

MARK COHEN

LIST OF TESTIMONIES

Date	Name	Memo
2009	Dobson v. Garcia	Deposition testimony.
2009	Grunwald v. Kaiser	Deposition testimony.
2009	Picchi v. West Star	Deposition testimony.
2009	Pappas v. ABC School District	Deposition testimony.
2009	Ballesteros v. United Road Service	Trial testimony.
2009	DeAnza Interiors v. Hsu	Deposition testimony.
2010	DeAnza Interiors v. Hsu	Deposition testimony.
2010	Howard v. Washington Township	Trial testimony.
2010	Kleinberg v. Corte Madera	Deposition testimony.
2010	Moran v. Quest Communications	Trial testimony.
2010	Masters v. Roberts	Deposition testimony.
2010	Masters v. Roberts	Trial testimony.
2010	Nikolayew v. R House	Trial testimony.
2010	Tilley v. Muir Orthopedics	Deposition testimony.
2010	Tilley v. Muir Orthopedics	Trial testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Kierans v. Acupuncture & Integrative Medical	Deposition testimony.
2010	Oswalt v. Salinas Valley Memorial	Deposition testimony.
2010	Fox v. Good Samaritan Hospitals	Deposition testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Masters v. Roberts	Trial testimony.
2010	Lui v. CCSF	Deposition testimony.
2010	Wences v. Congress, M.D.	Deposition testimony.
2010	O'Neal v. Baclof Auto Repair	Trial testimony.
2010	Aguilar v. CTB-McGraw Hill	Trial testimony.
2010	O'Connell v. UC Regents	Deposition testimony.
2010	Pierre v. Cox	Deposition testimony.
2010	Adge v. Sutter Memorial	Deposition testimony.
2010	Klaas v. Valley Care Health Systems	Deposition testimony.
2010	Hernandez v. CCC	Deposition testimony.
2010	Kim v. Interdent	Deposition testimony.
2010	Klaas v. Valley Care Health Systems	Trial testimony.
2010	Shen v. City of San Ramon	Deposition testimony.
2010	Pierre v. Cox	Trial testimony.
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2010	Lui v. CCSF	Trial testimony.
2010	Holt v. Doctors Medical Center	Deposition testimony.
2010	Gilmore-Green v. Kaiser	Deposition testimony.
2010	Loustalot v. Regents	Trial testimony.
2010	Taylor v. Rupley	Deposition testimony.
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2010	Pederson v. Fox Investment	Deposition testimony.

MARK COHEN

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2010	Beauperthuy v. 24 Hour Fitness	Deposition testimony.
2011	Jacobs v. Medical Anesthesia Consultants	Arbitration testimony.
2011	Flair v. Adaptec	Trial testimony.
2011	Avakoff v. County of Santa Clara	Deposition testimony.
2011	Vanderheiden v. City of Alameda	Deposition testimony.
2011	McFadden v. Kaiser	Arbitration testimony.
2011	Thompson v. UC Regents	Arbitration testimony.
2011	Alvarez v. John Hopkins	Deposition testimony.
2011	Vanderheiden v. City of Alameda	Trial testimony.
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2011	Patino v. CHW	Deposition testimony.
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2011	Clark v. Palo Alto Foundation	Deposition testimony.
2011	Savage v. State of California	Deposition testimony.
2011	Savage v. State of California	Trial testimony.
2011	Abdell All v. Stanford	Trial testimony.
2011	Lewis v. City of Benicia	Deposition testimony.
2011	Lewis v. City of Benicia	Trial testimony.
2011	Corbo v. Vascor	Deposition testimony.
2011	Corbo v. Vascor	Trial testimony.
2011	Nichols v. AC Transit	Deposition testimony.
2011	Impey v. Office Depot	Trial testimony.
2011	McElroy v. Lane	Trial testimony.
2011	Benson v. Newton	Deposition testimony.
2011	Uffer v. County of San Bernardino	Deposition testimony.
2011	Cole v. Joe's Trucking	Trial testimony.
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2011	Specialized Bicycles v. Volagi	Deposition testimony.
2012	Specialized Bicycles v. Volagi	Trial testimony.
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2012	Ross v. Redd	Deposition testimony.
2012	Ross v. Redd	Trial testimony.
2012	Myers v. Topflight	Trial testimony.

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August 25, 2014

Mr. Eric K. Shiu
Lynch and Shupe, LLP
700 Airport Blvd., Suite 410
Burlingame, CA 94010

Re: Gregory Steshenko v. McKay, Cabrillo College District, et al.

Dear Mr. Shiu:

This report supplements my September 21, 2012 report. Since that time, I have received the following documents:

1. Plaintiff's September 22, 2012 email regarding his computation of damages;
2. Plaintiff's December 21, 2012 email attaching his resume template;
3. Plaintiff's December 4, 2012 deposition transcript;
4. Bates Stamped documents 003215-003419;
5. Dorothy Nunn July 21, 2014 deposition transcript;
6. Terrence Willett July 30, 2014 deposition transcript;
7. Sandra Luz Castillo Alward report September 21, 2012;
8. Sandra Luz Castillo Alward report August 21, 2014;

In forming my opinions for this supplemental report, I have also relied upon data provided by the Bureau of Labor Statistics and Wanted Analytics.

Comment on Plaintiff's computation of damages submitted September 22, 2012:

Mr. Steshenko provided an email indicating special damages to be computed at \$60 per hour for a hospital nurse. No documentation has been provided indicating that he would be employable as a hospital nurse.

The email indicates that his former classmates earn \$60 per hour as nurses. Mr. Steshenko has not provided the basis to suggest that his former classmates earn \$60 per hour.

The email indicates that Mr. Steshenko would have worked as a nurse 40 hours per week, 52 weeks per year for 30 years. Mr. Steshenko was 48 years old on October 25, 2009. He would have been 78 years old or more had he worked for 30 years as

Eric K. Shiu
August 25, 2014
Page 2

a nurse. No foundation has been provided for the assumption that Mr. Steshenko would have worked as a nurse to age 78. Occupational Tenure statistics from the Bureau of Labor Statistics as well as published worklife expectancies based on statistics from the Bureau of Labor Statistics indicate that Mr. Steshenko's assumption of work as a nurse to age 78 is speculative.

Mr. Steshenko's email calculation does not include a calculation of mitigation earnings. As such, his computation of loss is not complete, and as such, is an overestimate of loss.

The email calculation adds in losses based on increased taxes. The calculation provides no basis for the assumption that there is a tax differential or the basis for such a differential. As such, this calculation is completely speculative. Even if a basis was provided, the attempt at such a calculation is unreliable because he overestimates annual losses, lifetime losses, and does not include a mitigation earning rate when making the calculation.

The calculations inflate lost earnings based on a 4.5% interest calculation applied to the entire 30 year loss calculation. This calculation is without foundation. In fact, future losses, if any, should be calculated at present cash value. The calculations provided are not discounted to present cash value.

Lastly, Mr. Steshenko requests punitive damages at two times the special damage amount. He has not provided any information as to the basis for punitive damages in his report, nor has he provided information from which a punitive damage calculation can be calculated.

Evaluation of Lost Income:

In addition to my comments in my initial report, the \$6,000 per month rate of pay, or the \$125,280 per year rate of pay that Mr. Steshenko claims as lost income is without foundation according to the 2014 Sandra Luz Castillo Alward expert report.

Evaluation of Mitigation Earning Capacity:

No additional information regarding mitigation job search or earnings has been produced by Mr. Steshenko since my initial report. Since that time, however, I have obtained a resume template of Mr. Steshenko. The resume indicates that in July 2010, Mr. Steshenko received a Bachelor of Science in Biochemistry and Molecular Biology from the University of California at Santa Cruz. Participation in such a program indicates that Mr. Steshenko has changed his educational focus. Participation in such a program also indicates that Mr. Steshenko has not focused on mitigating his alleged lost earnings. If Mr. Steshenko were to focus on mitigating his alleged loss of earnings, he would have focused on obtaining a job as an engineer. Even if finders of fact determine that continuing his education would have been appropriate, he could have been expected to enter a nursing or engineering

Eric K. Shiu
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Page 3

program. These programs would have used his prior experience and transferable skills, and enhanced his abilities to mitigate his alleged lost earnings.

Since my initial report, I have also obtained a report from Wanted Analytics. This report provides job posting information from employment websites like monster.com, Dice, Yahoo! Hot Jobs and others. Between October 1, 2009 and December 31, 2010 there were over 15,000 job postings in the relevant geographical region for electrical/electronic engineer, computer hardware engineer, research scientist and medical and clinical laboratory technician positions were documented. These job postings suggest that the job market for Mr. Steshenko to mitigate his alleged lost earnings was healthy.

Conclusion

Any calculation of economic loss to Mr. Steshenko would be speculative based on information provided. There is no way of knowing that Mr. Steshenko would have completed his degree, passed the licensing test, and found employment as a nurse. Prior to joining the nursing program, he had been unemployed for years even though he was academically qualified and had work experience in the engineering field, a field with a healthy labor market. Further, he elected to pursue courses of study from 2007 to 2010 at UC Santa Cruz in Biochemistry and Molecular Biology. While he has obtained a bachelor's degree in this course of study in July 2010, he has not obtained a job in this field based on the information provided to date.

Even if Mr. Steshenko completed the Cabrillo College nursing program and found work as a nurse, it would not likely be at a hospital. His earnings rate as a nurse would be no higher than his mitigation earning capacity with his engineering experience and biochemistry degree.

Please note that this report is preliminary. As additional information becomes available through discovery or is offered at the time of trial, I may augment or change my opinions.

I have attached my CV, rate sheet and a list of testimonies in the past four years. If you have any questions, please do not hesitate to call me.

Sincerely,



Mark Cohen
Chief Economist

Attachments

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MARK COHEN

CURRICULUM VITAE

FINANCIAL, STATISTICAL & REHABILITATION ECONOMIST

COHEN VOLK ECONOMIC CONSULTING GROUP, Walnut Creek, CA, 1995
to Present.

Principal, Chief Economist. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, vocational, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

BAY AREA PSYCHOTHERAPY TRAINING INSTITUTE, Lafayette, CA, 1994 to 2001.

Member, Board of Directors. Consultation in the business development and management of this non-profit training institute.

THE UDINSKY GROUP, Berkeley, CA, 1984 to 1995.

Vice President. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

TEACHING EXPERIENCE

DOMINICAN UNIVERSITY, San Rafael, CA, 1992 to 1998.

Adjunct Professor of Graduate Level International Finance, Monetary Systems and Investments, M.B.A. Program; Undergraduate Level International Finance and Investments, Business School Program.

EUROPEAN BUSINESS SCHOOL, Brussels, Belgium, 1991.

Adjunct Professor of Undergraduate Level Money and Banking, Statistics, and Management.

EDUCATION

UNIVERSITY OF CALIFORNIA AT BERKELEY. Bachelors of Science, Business Administration, 1982. Emphasis in Finance.

BOSTON UNIVERSITY. Masters of Science, Management, 1991. Emphasis in International Finance. Graduated first in class.

EDUCATION CONTINUED

ST. MARY'S COLLEGE. Masters of Arts, Counseling, 1998. Emphasis in Vocational Rehabilitation and Career Counseling.

LINDENWOOD COLLEGE: (1) Principles of Business Valuation, (2) Business Valuation Theory and Methodology, (3) Business Valuation: Selected Advanced Topics.

PUBLICATIONS AND INVITED PRESENTATIONS

"Income and Net Worth Analysis for Punitive Damages Testimony," presented to the American Rehabilitation Economics Association Reno, Nevada, June 2014.

"Economic Issues For Vocational Experts To Consider in Vocational Analysis," presented to the California Association of Rehabilitation and Re-Employment Professionals, Oakland, November 2002.

"Estimating Economic Loss To Injured Self Employed Workers," presented to the American Rehabilitation Economics Associations (AREA), Reno, May 1998.

"Methodologies to Improve Economic and Vocational Analysis in Personal Injury Litigation," with Thomas Yankowski, M.S., C.V.E., Litigation Economics Digest, National Association of Forensic Economics, Missouri. Volume II, Issue No. 2, Summer 1997. Also published in Vocational Evaluation and Work Adjustment Journal, The Professional Journal of The Vocational Evaluation and Work Adjustment Association, Volume 31, No. 3/4, Fall/Winter 1998.

"Vocational Evaluation and Economic Analysis in Personal Injury and Wrongful Termination Cases," with Thomas Yankowski, M.S., C.V.E., presented to the National Association of Rehabilitation Professional in the Private Sector, San Francisco, April 1995.

"The Economics of Employment Discharge and Your Case," with Jerald H. Udinsky, Ph.D., A.S.A., The Lawyer's Brief, Business Laws, Inc., Ohio. Volume 20, Issue No. 5, March 15, 1990.

"Estimation of Future Medical and Rehabilitation Care Costs: Issues and Questions for The Attention of Rehabilitation Professionals," presented to the Registered Nurses Professionals Association, Santa Clara Valley Medical Center, January 1990.

LICENSES, CERTIFICATIONS AND ASSOCIATIONS

Certified Earnings Analyst, American Rehabilitation Economics Association.
American Society of Appraisers, Business Valuation.
California State Licensed Life Insurance Agent.
American Economics Association.
Western Economic Association.
National Association of Forensic Economics.

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RATE SCHEDULE

Effective 1/1/14

\$345 per hour for review, consultation, analysis and travel

\$610 per hour, one-hour minimum, for deposition and trial testimony

MARK COHEN
LIST OF TESTIMONIES

Date	Name	Memo
2007	Seitz v. New Holland	Deposition testimony.
2007	Kuchta v. Neopost, Inc.	Deposition testimony.
2007	James v. Phillips Services Corp.	Deposition testimony.
2007	Singh v. Winchell's Donut Houses	Trial testimony.
2007	O'Neill v. City of Palo Alto	Deposition testimony.
2007	Piper v. Peralta Community College Dist.	Trial testimony.
2007	Merritt v. Modesto Disposal Service	Deposition testimony.
2007	Tripodi v. Rider	Deposition testimony.
2007	Housley v. CCSF and CHP	Deposition testimony.
2007	Pilare v. Matson	Deposition testimony.
2007	Pilare v. Matson	Trial testimony.
2007	West v. Kmart	Deposition testimony.
2007	Zottoli v. Erasmus	Deposition testimony.
2007	Nakamori v. DMC San Pablo	Deposition testimony.
2007	Ivance v. Asbestos Defendants	Trial testimony.
2007	Kuchta v. Neopost, Inc.	Trial testimony.
2007	Franklin v. Alameda County Sheriff's Dept.	Deposition testimony.
2007	Little v. RMC	Deposition testimony.
2007	Bloom v. Kaiser	Deposition testimony.
2007	Caro v. Enviro-Commercial Sweeping	Deposition testimony.
2007	Barajas v. Ramos	Deposition testimony.
2007	Loustalot v. Regents	Deposition testimony.
2007	Lopez v. Bimbo Bakeries	Deposition testimony.
2007	Lopez v. Bimbo Bakeries	Trial testimony.
2007	Silong v. USA	Deposition testimony.
2007	Bauto v. Best Collateral	Deposition testimony.
2007	Bauto v. Best Collateral	Trial testimony.
2007	Watkins v. Davis	Deposition testimony.
2007	Watkins v. Davis	Trial testimony.
2007	Erickson v. Torres	Deposition testimony.
2007	Erickson v. Torres	Trial testimony.
2007	Freed v. USA	Deposition testimony.
2007	Day v. Mt. Diablo Hospital	Deposition testimony.
2007	Day v. Mt. Diablo Hospital	Trial testimony.
2007	USA v. Union Pacific	Deposition testimony.
2007	Smith, Joe Alan v. Spears	Deposition testimony.
2007	Smith, Joe Alan v. Spears	Trial testimony.
2007	Hoang v. UWMC	Deposition testimony.
2007	Hoang v. UWMC	Trial testimony.
2007	Chang & Chen v. Charles Schwab	Deposition testimony.
2007	Khosravi v. Ball	Deposition testimony.
2007	Khosravi v. Ball	Trial testimony.
2007	Beals-Martin v. Connell's Glass	Deposition testimony.
2007	Shilaimon v. Ray	Deposition testimony.
2007	Price, Colleen v. Cordova	Deposition testimony.
2007	Moore v. Avon	Deposition testimony.
2007	Bartlett v. Reiger	Deposition testimony.
2007	Bartlett v. Reiger	Trial testimony.
2007	Salvador v. Aero Speed Mail	Deposition testimony.
2007	Dougherty v. Sears	Deposition testimony.

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<u>Date</u>	<u>Name</u>	<u>Memo</u>
2007	Wing v. Horizon Lines	Deposition testimony.
2007	Huong Que v. Pro Enterprise	Deposition testimony.
2007	Thomas, Audrey v. San Leandro Hospital	Deposition testimony.
2008	Cole v. Joe's Trucking	Deposition testimony.
2008	Ewing v. USA	Deposition testimony.
2008	Williams, Billy v. Kaiser	Deposition testimony.
2008	Williams, Billy v. Kaiser	Arbitration testimony.
2008	Moss v. LOTA USA	Deposition testimony.
2008	Moss v. LOTA USA	Arbitration testimony.
2008	Abdelrahim v. Guardsmark	Trial testimony.
2008	Starr v. Rados, Inc.	Deposition testimony.
2008	Bavaro v. Curtis	Deposition testimony.
2008	Dalman v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Arbitration testimony.
2008	Day v. Mt. Diablo Hospital	Deposition testimony.
2008	Barnett v. Balciunas	Deposition testimony.
2008	Iten v. Guardsmark	Trial testimony.
2008	Perez v. Walmart	Deposition testimony.
2008	Dahl v. Jennaro	Deposition testimony.
2008	Lawlor v. Olsen	Trial testimony.
2008	Bush v. Allianz Life Insurance Co.	Deposition testimony.
2008	Cano v. Barcelo Enterprises	Deposition testimony.
2008	Gentry v. State Farm	Deposition testimony.
2008	Gentry v. State Farm	Arbitration testimony.
2008	Evans v. Benicia Housing Authority	Deposition testimony.
2008	Ewing v. USA	Trial testimony.
2008	Hernandez v. USA	Deposition testimony.
2008	Altamini v. Kaiser	Deposition testimony.
2008	Altamini v. Kaiser	Arbitration testimony.
2008	Dept. of Fair Employment v. Standards of Excellence	Deposition testimony.
2009	Perez v. Walmart	Trial testimony.
2009	Bolo v. Cisco Systems	Deposition testimony.
2009	Bolo v. Cisco Systems	Arbitration testimony.
2009	Kiser v. Ralph Lauren	Deposition testimony.
2009	Gove v. Kaiser	Deposition testimony.
2009	Dept. of Fair Employment v. Standards of Excellence	Trial testimony.
2009	Walton v. Amoroso	Deposition testimony.
2009	Sutton v. Krones	Deposition testimony.
2009	Roth v. Division I All Services	Deposition testimony.
2009	Ureta v. ABS-CBN International	Trial testimony.
2009	Lawrence v. Hartnell College	Deposition testimony.
2009	Guthrie v. City of Mill Valley	Trial testimony.
2009	Miller v. State of California	Trial testimony.
2009	Stanley v. Kaiser	Deposition testimony.
2009	Stanley v. Kaiser	Arbitration testimony.
2009	Nikolayew v. R House	Deposition testimony.
2009	Sacramento Hotel Partners v. Swinterton, et al.	Deposition testimony.
2009	Kaznowski v. Biesen-Bradley	Deposition testimony.
2009	Ehlert v. Stutsman & Ken Fowler Motors	Deposition testimony.

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2009	McElroy v. Lane	Deposition testimony.
2009	Dobson v. Garcia	Deposition testimony.
2009	Grunwald v. Kaiser	Deposition testimony.
2009	Picchi v. West Star	Deposition testimony.
2009	Pappas v. ABC School District	Deposition testimony.
2009	Ballesteros v. United Road Service	Trial testimony.
2009	DeAnza Interiors v. Hsu	Deposition testimony.
2010	DeAnza Interiors v. Hsu	Deposition testimony.
2010	Howard v. Washington Township	Trial testimony.
2010	Kleinberg v. Corte Madera	Deposition testimony.
2010	Moran v. Quest Communications	Trial testimony.
2010	Masters v. Roberts	Deposition testimony.
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2010	Nikolayew v. R House	Trial testimony.
2010	Tilley v. Muir Orthopedics	Deposition testimony.
2010	Tilley v. Muir Orthopedics	Trial testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Kierans v. Acupuncture & Integrative Medical	Deposition testimony.
2010	Oswalt v. Salinas Valley Memorial	Deposition testimony.
2010	Fox v. Good Samaritan Hospitals	Deposition testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Masters v. Roberts	Trial testimony.
2010	Lui v. CCSF	Deposition testimony.
2010	Wences v. Congress, M.D.	Deposition testimony.
2010	O'Neal v. Baclow Auto Repair	Trial testimony.
2010	Aguilar v. CTB-McGraw Hill	Trial testimony.
2010	O'Connell v. UC Regents	Deposition testimony.
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2012	Dagnino v. Nurstech	Deposition testimony.
2012	Ike v. Ford Motor Company, et al.	Deposition testimony.
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2012	Kammerer v. Alimak	Trial testimony.
2012	Smith v. Rafael Lumber	Deposition testimony.
2012	Smith v. Rafael Lumber	Trial testimony.
2012	Chevalier v. Kaiser	Deposition testimony.
2012	Chevalier v. Kaiser	Trial testimony.
2012	Benson v. Newton	Trial testimony.
2012	King v. SAM, Inc.	Deposition testimony.
2012	Castillo v. Lodgeworks	Deposition testimony.
2012	Bookhamer v. Sunbeam	Deposition testimony.
2012	Colfer v. Segue Construction	Deposition testimony.
2012	Colfer v. Segue Construction	Trial testimony.
2013	Arkay v. Akal Development Co.	Deposition testimony.
2013	EK Pneuma v. Great China	Trial testimony.
2013	Towfighi v. Associated Constructors	Deposition testimony.
2013	Arkay v. Akal Development Co.	Trial testimony.
2013	Savemart v. Valley Pallet, et al.	Trial testimony.
2013	Jolly v. Larsen & Turbo Infotech	Deposition testimony.
2013	Ehrlich v. Zlot, et al.	Deposition testimony.
2013	Cabrera v. Taylor Fresh Foods	Deposition testimony.
2013	Cabrera v. Taylor Fresh Foods	Trial testimony.
2013	Dereschuk v. Dereschuk	Deposition testimony.
2013	Dereschuk v. Dereschuk	Trial testimony.
2013	Singh v. Merlo, et al.	Deposition testimony.
2013	Kramer v. Dr. Pepper-Snapple	Trial testimony.
2013	Ehrlich v. Zlot, et al.	Trial testimony.
2013	Mathis v. J.S. Trucking, et al.	Deposition testimony.
2013	Adame v. Alcoa	Deposition testimony.
2013	Kidwell v. Ward	Deposition testimony.
2013	Smith v. Solanki	Deposition testimony.
2013	Longenecker v. Lawrence	Deposition testimony.
2013	Toma v. Singh	Deposition testimony.
2013	Seidman v. Allstate	Deposition testimony.
2013	Seidman v. Allstate	Arbitration testimony.
2013	Toma v. Singh	Trial testimony.
2013	Mangel v. State of California	Deposition testimony.
2013	Singh v. Merlo, et al.	Trial testimony.
2013	Calderon v. Shell	Deposition testimony.
2013	Longenecker v. Lawrence	Trial testimony.
2013	Peterson v. Metzger	Arbitration testimony.
2013	Salim v. Sunnyvale Acura	Deposition testimony.
2013	Fischler v. Roman Catholic Bishop	Trial testimony.
2013	Wigmore v. Kaiser	Deposition testimony.
2014	Wigmore v. Kaiser	Arbitration testimony.
2013	Salim v. Sunnyvale Acura	Deposition testimony.
2013	Salim v. Sunnyvale Acura	Trial testimony.
2013	Phoenician HOA v. Phoenician LLC	Deposition testimony.
2014	Hugger v. Hugger	Arbitration testimony.
2014	Duncan v. Airline Coach Service, Inc.	Deposition testimony.
2014	Estate of Fitzgerald v. CA State Auto Assn.	Deposition testimony.

MARK COHEN
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Date	Name	Memo
2014	Morello v. Amco Insurance Co.	Deposition testimony.
2014	Deeik v. Klingman	Deposition testimony.
2014	Delara v. Sears & Roebuck	Trial testimony.
2014	McVeigh v. Recology	Deposition testimony.

1 *Steshenko v. McKay*

Case No: C 09 5543 RS

2 **PROOF OF SERVICE**

3 1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county
4 where the mailing took place and my residence or business address is:

5 700 Airport Blvd., Suite 410, Burlingame, California 94010-3191

6 2. I served a copy of the following document(s):

7 **DEFENDANTS' EXPERT WITNESS DISCLOSURE** [Rule 26(a)(2), F.R.Civ.P.]

8 3. I served a copy of the foregoing documents by mailing them in a sealed envelope with first class
postage fully prepaid, to the address stated below, as follows:

9 a. [X] I placed the envelope for collection and processing for mailing following this
10 business's ordinary practice with which I am readily familiar. On the same day
11 correspondence is placed for collection and mailing, it is deposited in the
ordinary course of business with the United States Postal Service.

12 b. [] I faxed a copy of the above described document to the following fax number:

13 c. [] I served a copy of the foregoing documents by placing them in a sealed box via
ON TRAC service, to the address stated below, as follows:

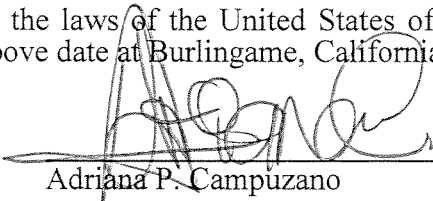
14 4. Date of Service: August 25, 2014

15 5. Place mailed from: 700 Airport Blvd., Suite 410, Burlingame, California 94010

16 6. Addressed as follows:

17 David L. Wallach, Esq.
David C. Kiernan, Esq.
18 JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed on the above date at Burlingame, California.

21 
22 Adriana P. Campuzano

23 935